



CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
WALLACE J. PUCHALSKI MUNICIPAL BUILDING  
212 MAIN STREET, NORTHAMPTON  
Northampton, MA  
March 17, 2016

**Roll Call**

A regular meeting of the City Council was called to order by City Council President William H. Dwight. At 7:10 pm on a roll call nine councilors were present:

At-Large Councilor William H. Dwight	At-Large Councilor Jesse M. Adams
Ward 1 Councilor Maureen T. Carney	Ward 2 Councilor Dennis P. Bidwell
Ward 3 Councilor Ryan R. O'Donnell	Ward 4 Councilor Gina-Louise Sciarra
Ward 5 Councilor David A. Murphy	Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Alisa F. Klein	

**Public Hearing****Public Hearing:** None**Recognitions and One-Minute Announcements by Councilors****Recognitions and One-Minute Announcements by Councilors**

Councilor LaBarge announced that the upcoming Corned Beef and Cabbage supper planned at the Northampton Senior Center is sold out.

**Announcements**

Councilor Dwight reminded the Council that the St. Patrick's Day parade is this Sunday, March 20, 2016. The parade kicks off at 12 Noon; a bus is available for transportation to Holyoke; it leaves JJ's Tavern parking lot at 10am.

**Communications and Proclamations From the Mayor****Communications and Proclamations From the Mayor:**

Mayor Narkewicz was prepared to present a proclamation recognizing Social Work month, however, the recipients were not available. He will arrange for alternate delivery of the proclamation.

**Resolutions****Resolutions:** None**Presentations****Presentations:** None**Consent Agenda****Consent Agenda****Motion to Approve Consent Agenda**

Councilor O'Donnell moved to approve the consent agenda; Councilor Carney seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.

**Motion Carried**

The following items were approved as part of the consent agenda.

**Minutes of Previous Meetings**

Meeting Minutes from the City Council Meeting of March 3, 2016

**16.036 Petition for Secondhand Dealer's License: Antiquarian, LLC @ 108 Main Street**

**Recess for Committee on Finance Meeting**

Due to lack of agenda items, the Committee on Finance did not meet.

**Financial Orders****16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading****16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading**

Councilor LaBarge noted that she had some concerns about a letter to the editor and spoke with the Finance Director. Councilor LaBarge was concerned about the reference to "Paradise Lost" and also the reference about 700 doughnuts that had to be made and sold in order for a local business owner to pay for water/sewer rates. She also noted that there was a reference to water/sewer rates increasing by 5% annually. Comparing rates to neighboring towns and cities, the writer of the article was concerned about the difference. Councilor LaBarge thanked the Mayor for the information about water/sewer rates in eight surrounding

communities. What she has noticed was that seniors in Westfield pay a nominal rate for owner/occupied residences. Mayor Narkewicz commented that he could not explain the rationale for those rates. He does not support a discount based solely on age, but rather based on means. Regarding the property on Pine Street where the Pine Street Café is located, the Mayor explained that that property is owned by a business owner from Westfield and that there is one water meter for all five businesses located on that property. The water bill is portioned out; the laundromat pays 60% of the water bill and the remaining business split 40% of the water bill, although it is not clear how the remainder is divided. This is controlled by the landlord. The Mayor also explained that the city is attempting to raise water rates by 2% and sewer rates by 3%. This does not equal a five percent increase overall and he cautions that the rate increases will affect each individual customer differently.

Councilor Bidwell will be voting in support of the rate structure. He appreciates that conservation measures are covered as part of the rate structure. He likes that fixed costs are part of the rate structure as opposed to only volumetric. He also likes the fact that there is a low income component to the proposed rates. He feels that the rates address fairness and equity by having fire protection charges built into the rate. He is impressed that all this can be done with a fairly steady revenue stream that is necessary for bonding. It is proactive with regards to capital needs. He acknowledges that the city's rates are probably higher than other cities and towns, however, the fact that our water system is so complex probably warrants higher costs. He doubts the impact of water/sewer rates will be a deal breaker for businesses. Property taxes, he notes are a considerable competitive advantage for businesses. He feels that it is a well supported and well argued proposal.

Councilor Klein notes that other communities with lower rates are probably not prepared to address infrastructure needs like Northampton's plan. She is proud to be part of a community that has worked so hard at putting a plan in place. She is pleased that Councilor Adams asked for the rate comparisons, however, she feels that Northampton's rates are not excessive.

Councilor O'Donnell noted that the City Council is voted on water sewer rates as a result of the requirements of the Mayor's Administrative Order, not as a result of the City Charter. He questions whether the City Council might vote to accept the fixed rates and the low income exemptions; Mayor Narkewicz indicated that this might be a possibility in future years.

Councilor Adams believes that the new rate structure will disproportionately affect businesses in our community, particularly restaurants, cafes and bars. The cost of doing business has gone up in Northampton dramatically over the last couple of years. One reason given was the high cost of rents, however, he doesn't believe this to be the case, and believes that this is self serving coming from public officials because it is something that the city can't control. He believes that the primary reason for high rents is the cost of doing business in Northampton. He doesn't believe that the city is pro business or competitive simply because Northampton has a single tax rate for residential and commercial. Many communities with which Northampton competes have a single tax rate, however, those communities don't have stormwater fees and have lower water and sewer rates. Councilor Adams supports new ways to raise revenue in the city, but he won't support every single new way to raise revenue. There are a lot of empty store fronts on Main Street and he is concerned that city fees are becoming extravagant. He notes that Westfield's combined rate of water and sewer rate is less than Northampton's water rate by itself. Agawam is even cheaper than Westfield. He believes that at a minimum further study is needed to understand the impact on the business community; any increases necessary can be done under the existing rate structure. The fire protection charges are an awful lot; he noted that the fee was deemed to be an illegal fee in another community (Emerson vs. City of Boston). He also believes that the City Council economic study should be completed before the rates are imposed.

Mayor Narkewicz noted that other communities have implemented a commercial and a residential rate, however, in most cases the commercial rate is twice the residential rate. Northampton has not done that, but rather focused on small users and large users. Many small business in Northampton fall into the small user category. He notes that the commercial tax rate for Westfield is \$36.68 (while Northampton is \$16.16) even though Westfield has a competitive water/sewer rate. A question raised about the legality of the fire line fee: a case was brought forward in Franklin, Mass; the fee was upheld in court.

Councilor Carney agrees with many of the points made by Councilor Bidwell. Generally speaking, the residential impact is neutral. She feels the process was thoughtful and is prepared to support the proposed rate structure.

Councilor Sciarra appreciates all of the work that has been done. She wondered whether the fixed fee should be higher. Mayor Narkewicz noted that the goal was to introduce higher fixed fees in a gradual fashion.

Councilor Adams considered whether to invoke a charter objection, however, after further consideration, opted not to invoke such objection.

Motion to  
approve

Councilor Bidwell moved to approve the order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 1 No (Councilor Adams).

Motion Carried

See minutes of April 7, 2016 for second reading.

16.032 Financial  
Order for Inter-  
Municipal  
Agreements with  
Williamsburg &  
West Springfield  
- 2nd Reading

16.032 Financial Order for Inter-Municipal Agreements with Williamsburg & West Springfield - 2nd Reading

Motion to  
approve

Councilor Murphy moved to approve the financial order in 2nd Reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

The following order passed in second reading:

Upon recommendation of the Mayor

16.032  
An Order

To Give Authorization for Two Separate Inter-Municipal Agreements:  
Williamsburg and West Springfield

Ordered, that

Whereas MGL C.40 s. 4A allows for joint operation of public activities among governmental units, and

Whereas, MGL c. 40, s. 4A requires that such inter-governmental agreements be approved, in a city, by the City Council and the Mayor, and;

Whereas the City of Northampton provides services to and shares services with other municipalities;

Therefore pursuant to MGL C. 40 s. 4A the City Council hereby authorizes the City of Northampton to enter into the following inter-municipal agreements:

Contract with Town of Williamsburg for a new public access pedestrian trail that will cross City of Northampton property to provide a new public access trail to the historic Williamsburg Reservoir Dam per the agreement.

Contract with City of West Springfield to provide the use of a GMC Activity Bus for the West Springfield varsity baseball team for transportation to a tournament March 25, 2016 – March 28, 2016 per the agreement.

Enrolled

Rules suspended, passed two readings and enrolled.

16.033 Financial  
Order to  
Appropriate  
\$30,825 from  
Insurance  
proceeds to  
Police  
Department  
OOM Account -  
2nd Reading

16.033 Financial Order to Appropriate \$30,825 from insurance proceeds to Police Department OOM Account - 2nd Reading

Motion to  
approve

Councilor Murphy moved to approve the financial order in 2nd Reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

The following order passed in second reading:

Upon recommendation of the Mayor

O-16.033  
An Order

To appropriate \$30,825 from insurance proceeds  
to Police Department OOM Account

	<p>Ordered, that</p> <p>In accordance with M.G.L. C. 44 s. 53 regarding insurance proceeds, the City Council appropriates \$30,825 of insurance proceeds (10004 484021) received from the property physical damage claim for a police cruiser damaged October 2015 to the Police Department OOM Account – Equipment Automobiles (12103 585001).</p> <p><b><u>Rules suspended, passed two readings and enrolled.</u></b></p>
<b><u>Enrolled</u></b>	
<b><u>Orders</u></b>	<b><u>Orders:</u></b> None
<b><u>Ordinances</u></b>	<b><u>Ordinances</u></b>
<p><b><u>15.377 Zoning for Significant Trees – Item carried over from 2014 – 2015 council – 1<sup>st</sup> Reading</u></b></p>	<p><b><u>15.377 Zoning for Significant Trees – Item carried over from 2014 – 2015 council – Refer to Committee</u></b></p> <p>This is a zoning ordinance that defines a significant tree as a "big tree". The ordinance is in public interest because it protects the tree canopy in the city; older trees have public value. The ordinance specifies certain requirements when trees are removed that are on private property and trigger site-plan approval. Certain requirements might include tree replacement or alternatively, paying into a fund used ultimately to replace trees. The ordinance also spells out requirements to protect significant trees during construction.</p> <p>Councilor Murphy asked whether this will only affect trees when someone comes into the planning department as required by site plan review. Ms. Carolyn Misch, Sr. Land Planner for the city, clarified that this will also apply to when existing home owners want to remove a significant tree on their current property and they require zoning relief and come before the Planning Board for such relief. Councilor Murphy asked whether the requirements apply when a permit is not required, Ms. Misch indicated that the requirements would not apply. Councilor Murphy cautioned that obstacles that cost money, while nice to have, will make housing more expensive.</p> <p>Councilor Klein appreciates the point that Councilor Murphy made, however, true cost accounting would need to take into account the true benefits trees have in our community and what the impact would be in the long term if trees were removed without replacing them.</p> <p>Sr. Land Planner Misch points out that one of the benefits of having consequences of tree removal with replacement is perhaps that developers would look to re-design a parcel in favor of keeping desired trees.</p> <p>Councilor Bidwell suggests that having the requirements codified is advantageous to developers.</p> <p><b><u>Motion to Approve as amended</u></b></p> <p>Councilor O'Donnell moved to amend section D5 to read, "Trees affected by work performed by..."; Councilor Adams seconded the motion. The motion to amend was approved on a voice vote of 9 Yes, 0 No.</p> <p>Councilor Carney moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.</p> <p><b><u>Motion Carried</u></b></p> <p><b><u>See minutes of April 7, 2016 for second reading.</u></b></p>
<p><b><u>16.003 Ordinance to delete fees from Chapter 174 of City Code Book - 1st Reading</u></b></p> <p><b><u>Motion to Approve</u></b></p> <p><b><u>Motion Carried</u></b></p>	<p><b><u>16.003 Ordinance to delete fees from Chapter 174 of City Code Book - 1st Reading</u></b></p> <p>This ordinance came about by way of the 2015 Ordinance Review Committee. The fees are not going away, but rather will be kept within the department that requires the fee, perhaps on their webpage.</p> <p>Councilor Murphy moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 1 No (Councilor Adams).</p> <p><b><u>See minutes of April 7, 2016 for second reading.</u></b></p>
<p><b><u>16.005 – Ordinance relative to specifications</u></b></p>	<p><b><u>16.005 – Ordinance relative to specifications on sign lighting in residential and commercial districts and creating specifications for dynamic display boards – 1<sup>st</sup> Reading</u></b></p>

**on sign lighting  
in residential  
and commercial  
districts and  
creating  
specifications  
for dynamic  
display boards –  
1<sup>st</sup> Reading**

Sr. Land Planner Carolyn Misch gave a Powerpoint presentation to provide context for the ordinance. The ordinance does not address "off-premise" signs, such as billboard signs. Regulations have been in place for flashing signs since 1975. At that time for safety reasons, the Police Chief determined whether a sign would be allowed. The jurisdiction fluctuated between departments, including the P.D., Planning Board and Board of Health. In 2007 new light levels were determined; however there was no specificity for method of sign illumination.

Regarding current regulations, there is no distinction on type and size by district. The new regulations would address this. Regarding wall signs, currently smaller signs are allowed in residential districts. Ground signs are allowed by right in commercial districts and only signs are allowed for institutional and residential care facilities only. Illumination levels are not currently differentiated by district.

Some of the reasons to change the current standards include:

- Safety: mostly to address the impacts of newer technology; reports show flashing and moving displays are distracting to drivers.
- Aesthetics – Brightness and moving signs
- Neighborhood impacts regarding the size of signs, the display time allowed and the curfew for such illumination
- Codify certain standards and to eliminate subjective standards

Older signs would be "grandfathered". If a sign owner wished to upgrade, they would be subject to the proposed new language.

**Motion to  
approve**

Councilor Murphy moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

**Motion Carried**

**See minutes of April 7, 2016 for second reading.**

**16.028 An  
Ordinance to  
delete Chapter  
290 from City  
Code Book – 1<sup>st</sup>  
Reading**

**16.028 An Ordinance to delete Chapter 290 from City Code Book – 1<sup>st</sup> Reading**

This ordinance came about as a result of the Ordinance Review Committee. The subdivision regulations are solely the responsibility of the Planning Board and the City Council has not power to amend.

**Motion to  
approve**

Councilor Murphy moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

**Motion Carried**

**See minutes of April 7, 2016 for second reading.**

**Updates from  
Council  
President and  
Committee  
Chairs**

**Updates from Council President and Committee Chairs**

Councilor Sclarra reports that the Comm. On Community Resources will be meeting begin fact finding as part of its Committee Study Request on Monday, March 21, 2016 at 5pm. The first hour of the meeting will be devoted to standard committee business followed by a public forum to gather information to define a process for the committee study request.

**Information  
Requests  
(Charter  
Provision 2-7)  
and Information  
Study Requests**

**Information Requests (Charter Provision 2-7) and Information Study Requests**

None

**New Business**

**New Business: None**

At 8:45 p.m., a motion to adjourn was made by Councilor Murphy and seconded by Councilor Bidwell. The vote to adjourn passed on a voice vote of 9 Yes, 0 No.

Attest:  Administrative Assistant to the City Council

2014-2015 City Council Roll Call Record

Record of City Council Votes for March 17, 2016		Adams	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sciara	Total
Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:10 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present, 0 Absent
16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading	1st Reading	No	Motion to Approve Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 1 No
16.032 Financial Order for Inter-Municipal Agreements with Williamsburg & West Springfield - 2nd Reading	2nd Reading	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Motion Carried 9 Yes, 0 No
16.033 Financial Order to Appropriate \$30,825 from Insurance Proceeds to Police Department OGM Account - 2nd Reading	2nd Reading	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Motion Carried 9 Yes, 0 No
15.377 Ordinance Regarding Significant Trees - 1st Reading	1st Reading, As Amended	Yes	Yes	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
	Motion to Amend	Councilor O'Donnell moved to amend section D5 to read, "Trees affected by work performed by...". Councilor Adams seconded the motion. The motion to amend was approved on a voice vote.									Motion Carried 9 Yes, 0 No
16.003 Ordinance to delete fees from Chapter 174 of City Code Book - 1st Reading	1st Reading	No	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 8 Yes, 1 No
16.005 An Ordinance Pertaining to LED Lighting - 1st Reading	1st Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
16.028 An Ordinance to Delete Subdivision of Land from Chapter 290 of the Code Book - 1st Reading	1st Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 9 Yes, 0 No

At 8:45 p.m. Councilor Murphy motioned to adjourn, Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.

Recorded By:

Pamela L. Powers, Administrative Assistant to the City Council

(413) 587-4210; ppowers@northamptonma.gov